REMARKS

Applicants respectfully request reconsideration of the instant application in the view of the aforementioned amendments and the following remarks.

Objections to the Information Disclosure Statement

The Examiner has indicated that various references cited in the previously filed IDS were not considered because a copy of some publications were not included with the IDS. Applicants note that, in accordance with MPEP 609, they need not provide a copy of references cited in the parent applications to the instant application. Nevertheless, to facilitate the Examiner's consideration of these references, Applicants are in the process of copying these references, and will shortly submit a courtesy copy for the Examiner's review. Applicants are also in the process of copying various co-pending applications for the Examiner's review.

Double Patenting Rejection

The Examiner has rejected the instant application under the judicially-created doctrine of double patenting in view of US Patents 6,119,100 and 6,298,331. The Examiner notes that the claims of these patents are not identical to the claims of the instant application, but the claims are not patentably distinct. Applicants note that the cited patents are directed to a "Method and Appartus for Managing the Sale of Aging Products" and "Method and Apparatus for Selling an Aging Food Product". Applicants respectfully submit that the claims of the cited patents fail to disclose or suggest a large number of claims elements of the instant application. For example, claim 98 of the instant application contains a number of claims elements which are

not found or suggested by the cited patents, including at least the following claim elements:

receiving a conditional purchase offer including an offer price from a customer utilizing a web

page for purchasing travel services, receiving a payment identifier specifying a financial account

for use in providing guaranteed payment for the travel services if said conditional purchase offer is

accepted, comparing the conditional purchase offer with seller inventory and pricing information

stored on a central reservation system to determine if the conditional purchase offer is acceptable,

creating a passenger name record, transmitting the passenger name record to the central

reservation system, and notifying the customer of acceptance of the conditional purchase offer.

Applicants respectfully submit that the instant Office Action fails to set forth how any of these

claim elements are disclosed or suggested in the claims of the cited patents. Other independent

claims of the instant application also contain a number of these limitations, as well as a number of

other limitations, which are simply not disclosed or suggested by the claims of the cited patents.

Accordingly, Applicants respectfully request reconsideration and withdrawal of

this rejection.

Rejections under 35 USC 112

The Examiner has rejected claims 111, 112, 125, 126, 137, 138, 150, 151, 165,

166, 179 and 180 because if a concern regarding the term "authentication". Although Applicants

respectfully disagree with the Examiner's definition of this term in the context of the instant

application, Applicants have nevertheless amended claims 111, 125, 137, 150, 165 and 179 (and

cancelled claims 112, 126, 138, 151, 166 and 180)to address the Examiner's concerns. In

particular, Applicants have amended these claims to recite a system which obtains a pre-

authorization to charge the financial account for the travel services prior to consideration of the

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conditional purchase offer.   Support for this claim element can be found on page 23, 1st full

paragraph, of the original specification.

The Examiner has also rejected claims 98, 113, 127, 139, 152, and 168 because

these claims use conditional statements. Applicants respectfully submit that the office action sets-

forth no case law in support of the position that conditional statements fail to comply with 35

USC 112. Applicants further note that a large number of issued patent claims contain such

conditional statements. Applicants respectfully submit that the use of such conditional statements

does not render these claims indefinite.   Applicants respectfully request reconsideration and

withdrawal of this rejection.

Rejections under 35 USC 103

The Examiner has rejected claims 98-181 in view of two references to Koepper

and Elliott. Applicants respectfully submit that the cited references fail to disclose or suggest a

number of features recited in the instant claims. The Examiner concedes that the cited references

fail to disclose a number of features, but relies extensively on Official Notice to reject the claims.

Applicants respectfully submit that the Examiner's reliance on Official Notice highlights the fact

the cited references clearly fail to disclose or suggest the features of the pending claims.

Among the various features which are not disclosed or suggested by the cited

references, Applicants note that the instant claims call for method and system in which a

conditional purchase offer including an offer price is received from a customer utilizing a web

page for purchasing travel services, a payment identifier is received specifying a financial account

for use in providing guaranteed payment for said travel services if said conditional purchase offer

is accepted, and after receiving the conditional purchase offer and payment identifier, a

comparison is made between the offer with seller inventory and pricing information stored on a central reservation system to determine if the conditional purchase offer is acceptable. If the offer is accepted, the customer (via the payment identifier) is charged the offer price, thereby providing full payment for the travel services. By receiving the payment identifier (which is used to guarantee payment for the travel services if the offer is accepted) prior to considering the offer, the system is configured to consider only bona fide offers. As acknowledged by the Examiner, the Koepper reference does not disclose how payment is carried-out. As such, the Koepper reference clearly fails to disclose or suggest any system in which a payment identifier is received from the customer prior to consideration of an offer. The Examiner relies upon some discussion in the Koepper reference regarding the use of cancellation fees to somehow teach that payment is guaranteed. Applicants respectfully submit that Koepper's teaching of cancellation fees clearly teaches away from Applicants' claimed invention. By introducing the concept of cancellation fees, Koepper clearly teaches that full payment for the travel services is not guaranteed in any way. The Elliott reference fails to cure the deficiencies of Koepper in this, and other, respects. Accordingly, Applicants respectfully submit that the cited references fail to disclose or suggest all of the features of any of the pending claims.

Accordingly, Applicants respectfully submit that each of the pending claims are in condition for allowance.

The Examiner is invited to contact Applicants' undersigned representative to discuss any issues which may advance the prosecution of the instant application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be

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required for this amendment, or credit any overpayment to Deposit Account 13-4500, Order No. 3553-4020US3.
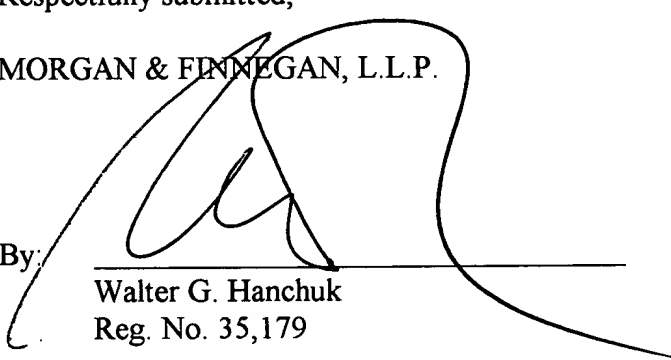
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 3553-4020US3. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: March 4, 2003

By:

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